

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

LA TIDTUS JONES

PLAINTIFF

v.

CAUSE NO. 1:14CV258-LG-JCG

SUPERINTENDENT JOHNNIE  
DENMARK, et al.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND GRANTING MOTION FOR SUMMARY JUDGMENT**

**BEFORE THE COURT** is the Report and Recommendation [63] entered by United States Magistrate Judge John C. Gargiulo in this lawsuit filed by La Tidtus Jones pursuant to 42 U.S.C. § 1983. Jones has not objected to the Report and Recommendation. After reviewing the record in this matter and the applicable law, the Court finds that the Report and Recommendation should be adopted as the opinion of this Court.

**DISCUSSION**

On July 3, 2014, Jones filed this lawsuit asserting thirteen claims pursuant to 42 U.S.C. § 1983. Jones alleges that his First, Fourth, Eighth, and Fourteenth Amendment rights were violated during his incarceration. Judge Gargiulo entered a Report and Recommendation on July 5, 2016, in which he recommended that the Motion for Summary Judgment [55] filed by the defendants be granted due to Jones' failure to exhaust administrative remedies as to claims 1-10. Judge Gargiulo also conducted a sua sponte review of claims 11-13 and recommended that those claims should be dismissed with prejudice. Judge Gargiulo also recommended that Jones' request that he be appointed counsel should be denied. Jones has not responded or

objected to the Report and Recommendation.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Gargiulo's Report and Recommendation is neither clearly erroneous nor contrary to law. As a result, the defendants' Motion for Summary Judgment is granted. Claims 1-10 are dismissed without prejudice due to Jones' failure to exhaust administrative remedies. Claims 11-13 are dismissed with prejudice. Jones' request for appointment of counsel is denied.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Report and Recommendation [63] entered by United States Magistrate Judge John C. Gargiulo is **ADOPTED** as the opinion of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that the Motion for Summary Judgment [55] filed by the defendants is **GRANTED**. Claims 1-10 asserted by La Tidtus Jones are **DISMISSED WITHOUT PREJUDICE**. Claims 11-13 are **DISMISSED WITH PREJUDICE**.

**SO ORDERED AND ADJUDGED** this the 1<sup>st</sup> day of August, 2016.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE